

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PIRATE SHIP, INC., a Michigan
corporation, commonly known as
DREAM DOLLAR

Plaintiff,

Case No.

vs

Hon.

UNITED STATES OF AMERICA,
UNITED STATES DEPARTMENT OF
AGRICULTURE FOOD AND NUTRITION
SERVICES, RETAILER OPERATIONS
DIVISION

Defendant

**COMPLAINT FOR DE NOVO REVIEW AND
REQUEST FOR DE NOVO HEARING TO
VACATE DISQUALIFICATION OF
PLAINTIFF FROM THE FOOD AND
NUTRITION PROGRAM**

Plaintiff, through its counsel, the Law Offices of Paul F. Condino, P.C., for its
Complaint, states as follows:

JURISDICTIONAL ALLEGATIONS

1. Plaintiff, Pirate Ship, Inc., (PIRATE SHIP), commonly known as “Dream Dollar, is a Michigan Corporation with its registered office and place of business located on 2170 Dix Highway in the City of Lincoln Park, County of Wayne, State of Michigan, Southern Division for the Eastern District Federal Courts.

2. Defendant, United States of America, United States Department of Agriculture Food and Nutrition Services, Retailer Operations Division (AGRICULTURE) administers the Food Stamp Program in question.

3. On or about June 14, 2014, PIRATE SHIP was advised in a final agency decision of the USDA that a prior decision by the FNS Retailer Operations Division to withdraw the authorization of PIRATE SHIP from participation as an authorization Supplemental Nutrition Assistance Program Retailer was properly imposed. (See Exhibit A attached).

4. This Court possesses jurisdiction under Section 14 of the Food and Nutrition Act of 2008, formerly known as the Food Stamp Act of 1977, 7 U.S.C. 2018, § 279.7 of the Regulations (7 CFR §279.7), and 7 USC 2023.

5. That further, PIRATE SHIP seeks de novo review in accordance with 7 U.S.C. 2023.

ALLEGATIONS

6. The imposition of disqualification in the case at bar based on the finding that PIRATE SHIP did not offer for sale on a continuous basis the four staple food categories as defined in 7 CFR §271.2 is contrary to law and to fact.

7. That all times herein, PIRATE SHIP continuously offered for sale to SNAP beneficiaries meat, poultry or fish, breads and cereals, vegetables and fruits, and dairy products, including infant formula.

8. The Administrative Review by the United States Department of Agriculture Food and Nutrition Service fails or refuses to acknowledge that PIRATE SHIP

continuously sold infant formula and all other items, in accordance with 7 CFR §278.1(b)(1) and 7 CFR §271.2.

9. That the failure of AGRICULTURE to consider the continuous sale of infant formula by PIRATE SHIP violates traditional notions of fair play and substantial justice.

10. PIRATE SHIP further asserts that the imposition of a withdraw or bar to serving as a SNAP retailer is in error and fails to consider all documentary evidence in the case at bar.

RELIEF

WHEREFORE, Plaintiff prays that Defendant's finding barring it from the Food and Nutrition Retail Service be vacated and its license be reinstated, together with any and all other relief to which it may be entitled to, inclusive of costs and attorney fees.

LAW OFFICES OF PAUL F. CONDINO, P.C.

BY: _____
PAUL F. CONDINO (P39456)
Attorney for Plaintiff Pirate Ship
21170 Winchester
Southfield, MI 48076
(248) 514-9603

DATED: July 14, 2014